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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,600	12/13/2000	Lorenz Camenzind	P/543-103	1539
2352	7590	06/14/2005		EXAMINER
		OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403		VERBITSKY, GAIL KAPLAN
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	09/674,600	CAMENZIND ET AL.	
	Examiner	Art Unit	
	Gail Verbitsky	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22,24-29 and 31-41 is/are rejected.
- 7) Claim(s) 23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 11-22, 26-29, 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S.4854045) in view of Vinci.

Schaub discloses in Figs. 1-2 a multifunctional tool comprising at least one pocket knife and at least one measuring and display device/ LCD 21 for displaying a sensed/ measured value by a tool hand (sensor, col. 2, lines 36-38) 12, 13. The device also comprises at least two cover plates and a casing connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46. The device 21 can releasably snap in/ out. The device further comprises, a memory module (storing means) to store measured data, an emergency transmitter module (sensing member) 1, batteries, entry keys (menu device) 22, watch (time). Schaub states that the number of modules can be expanded depending on the number of measuring devices contained in the modules. Thus, in a broad sense, it is considered that Schaub suggests measuring a plurality of values. Although Schaub does not explicitly describe a microprocessor and a converter, however, since the device has a calculator, it would be inherent to have a microprocessor and a converter, since it is well known in the art that the microprocessor and converters are part of the calculators.

For claim 1: the device comprises at least two cover plates 23-24 and A enclosing and integrally attached to the pocket knife on both sides, as shown in Fig. 2, and a display device 21 is attached to the cover plate 23-24.

For claims 17, 27: the device comprises at least one pocket knife, at least one casing 23 enclosing the pocket knife, a cover plate 24 is attached/ integrally mounted to the casing 23, at least one display 21 is arranged in the casing 23.

For claim 28: the pocketknife is disposed in at least one casing 23, the casing comprises more additional tools, as shown in Fig. 2, the display device 21 and a menu circuit (keyboard) 22 are disposed in (within) the casing 23.

For claim 29: the fact that at least one measuring device is arranged in the same casing and directly attached, as shown in Fig. 2, to the pocket knife, would imply, that all the modules, including the cover plate 23 having the display 21 and the menu 22 are integrally attached.

For claims 31, 33, 36-37: the device comprises at least one casing 24 and a cover plate 23 on the casing, the casing and the plate are arranged in the same size so as to accommodate a compact arrangement, so as to function the multifunctional knife. The display 21 is disposed on the cover plate 23. The cover plate 23 is releasably mounted to the casing 24.

For claim 22: The device can comprise an emergency transmitter module (Emergency Localization transmitter. Thus, it would imply that it comprises an interface to transmit an emergency signal to a receiving remote station (Emergency Localization). This would imply, that the device would have an access control member and thus, an access

control circuit, for providing (emitting) an emergency signal (access signal) recognizable by an institution. It is inherent, that the device/ display can be switched on/ off. As shown in Fig. 2, the cover plates are mounted on the casing as a whole/ integral. Applying a pressure onto a key 22 of a keyboard, a menu circuit can be operated. For claim 28: according to Fig. 2, the cover plate can be releasably removed from the device.

(The numeral A has been added by the Examiner, see attachment # 1 to the Office Action).

Although Schaub suggests having a sensor unit, Schaub does not explicitly suggest measuring a physical value and a plurality of sensors sensing/ measuring a plurality of physical values, as stated in claim 1, in combination with the remaining limitations of claims 1-3, 5-8, 11-22, and 26-29, 31-38.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation. Vinci teaches to incorporate a pressure-measuring sensor to measure pressure in the device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a plurality of measuring devices to measure a plurality of physical values including a pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

3. Claims 4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-29, 31-38 above, and further in view of La Neve (U.S.634719).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claims 4, 10.

La Neve discloses a tool (arm 16 with a spatula14) comprising a retractable temperature-sensing awl 10 with a temperature feeler.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a temperature sensing awl, as taught by La Neve, to the device disclosed by Schaub and Vinci, so as to make the device useful as a temperature sensing probe useful during camping food preparation.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-29, 31-38 above, and further in view of Tymkewicz.

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claim 25.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub and Vinci, so as

to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the longevity of the device.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-29, 31-38 above, and further in view of Hwang (U.S. 5883306).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claim 24.

Hwang discloses a multipurpose (multifunctional) tool having measuring sensors and an illuminating unit (flash light) 71.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flash light, as taught by Hwang, to the device disclosed by Schaub and Vinci, so as to provide the user with light allowing the user to operate the device during camping or in another environment when lack of illumination.

6. Claims 9, 24 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-29, 31-38 above, and further in view of McIntosh (U.S. 5313376).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claims 9, 24 and 41.

McIntosh discloses in Fig. 7 a device in the field of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub and Vinci, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flash light, as taught by McIntosh, to the device disclosed by Schaub and Vinci, so as to provide the user with light allowing the user to operate the device during camping or in another environment when lack of illumination.

8. Claims 1, 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub in view of Kubota et al. (U.S. 5724317) [hereinafter Kubota].

Schaub discloses a device in the field of applicant's endeavor. Schaub discloses all the limitations of the instant application with the exception of a barometer and altimeter (measuring atmospheric pressure and altitude), as stated in claims 39-40.

Kubota discloses a device having means for measuring and displaying a plurality of physical values such as atmospheric pressure (barometer) and altitude, temperature. All measuring means are located within the same casing, which, inherently, makes the device function as a multifunctional tool.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a barometer and an altimeter, as taught by Kubota, to the device disclosed by Schaub, so as to provide the user with more data that desirable to obtain especially when the user is camping/ traveling/diving.

Response to Arguments

9. Applicant's arguments filed on April 05, 2005 have been fully considered but they are not persuasive.

With respect to claims 1: the arguments are now moot in view of new found of rejection necessitated by the present amendment of claim 1. Please refer to the rejection in paragraph 2.

With respect to Vinci: Applicant states that Schaub and Vinci are not combinable. This argument is not persuasive because, Schaub already has a plurality of modules to measure different physical values. Vinci teaches a plurality of modules (in the same housing) for measuring different physical values including pressure. Therefore, the combination of Schaub and Vinci is proper. Also, in the rejection on the merits, the Examiner does not attempt to substitute a sensor for the blade, as stated by Applicant in the arguments). The Examiner modifies Schaub, who already teaches that the device can have a plurality of modules and measure plurality of values, particularly, Schaub states that instead of tool 13, it can be an electronic tool, radio receiver or a sensor unit (col. 2, lines 36-38). Therefore, the motivation to substitute or modify Schaub's teaching comes from Schaub itself.

Applicant states that Schaub does not describe what is sensor unit is meant by Schaub. Please note, that in the rejection on the merits, combining Schaub and Vinci, the Examiner uses the broadest reasonable interpretation of the term "sensor" given by Webster, 10th edition, page 1066: a device that responds to physical stimulus such as heat (temperature), pressure ... and transmits a resulting impulse (as for measurement or operating control).

With respect to claim 23: applicant's arguments are found to be fully persuasive.

With respect to claims 9, 24, 41: Applicant states that the casing of McIntosh does not include a menu circuit. This argument is not persuasive, because, the Examiner, in the rejection on the merits, only uses McIntosh, as a secondary reference, for it's teaching that a pocketknife can be combined with a scale and a light. The remaining limitations of claims 9, 24, 41 are being taught by Schaub and Vinci. Therefore, the combination of Schaub, Vinci and McIntosh teaches all the limitations of claims 9, 24, 41.

Applicant states that claim 41 includes an electronic scale. This argument is not persuasive, because this limitation does not present in claim 41. It is the claims that define the claimed invention, and it is claims, not specification that are anticipated or unpatentable. Constant v. Advanced Micro-Devices, Inc., 7 USPQ2d 1064.

Allowable Subject Matter

10. Claim 23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Liu (U.S. 5652587) teaches that a knife can be combined with a remote control (access member having an access control circuit), which emits a (access) signal to remote equipment.

Any inquiry concerning this communication should be directed to the Examiner Verbitsky who can be reached at (571) 272-2253 Monday through Friday 8:00 to 4:00 ET.

GKV

G. Verbitsky
Gail Verbitsky
Primary Patent Examiner, TC 2800

May 27, 2005

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U.S. Patent Aug. 8, 1989

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Fig. 1

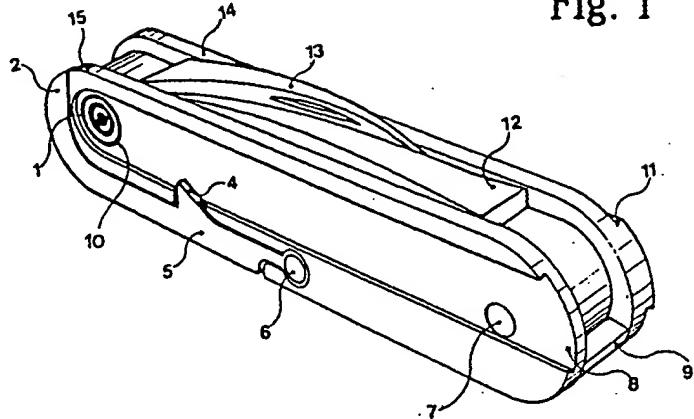
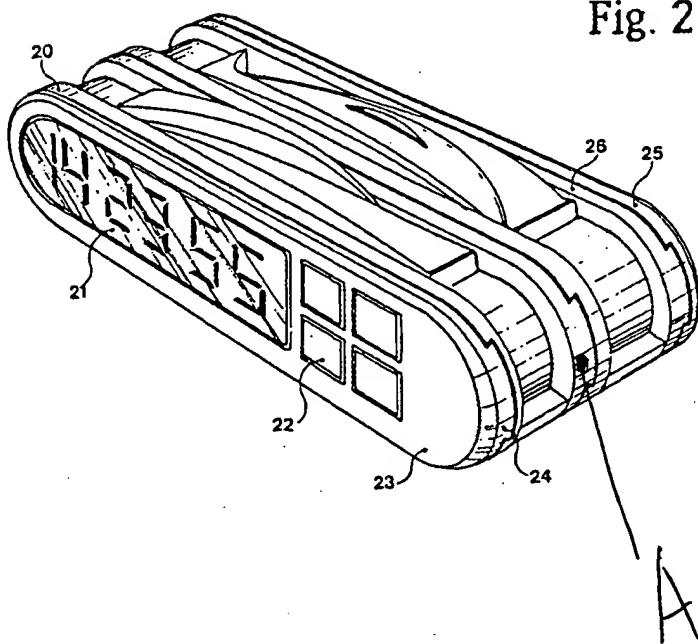


Fig. 2



attachment #1
(05/27/05)